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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,026	12/15/2003	Thomas E. Creamer	BOC9-2003-0079 (453)	4175
40987	7590	06/19/2006	EXAMINER	
AKERMAN SENTERFITT			WIN, AUNG T	
P. O. BOX 3188			ART UNIT	
WEST PALM BEACH, FL 33402-3188			PAPER NUMBER	
			2617	
DATE MAILED: 06/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,026

Applicant(s)

CREAMER ET AL.

Examiner

Aung T. Win

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4, 12 & 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding Claims 4, 12 & 20, amended limitations i.e., "voice command is an audio signal **extracted** from a portion of audio in the voice prompt sent by the voice response system to the test system" are not supported by the specification.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-12, 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neary (US20020076008A1) in view of Newman et al. (US005940472A).

3.1 Regarding Claim 1, Neary discloses a method of testing a interactive voice response system (IVR), to verification of content and flow of messages or prompts provided by a voice response system in the course of processing a user call (voice prompts read on claimed programmatic actions because the voice prompts are executed actions by the voice response system) [see Abstract & Summary] [Paragraph 0016-0020] [See Figures]. Neary's IVR comprises:

Establishing a voice call over voice network 14 [See Figures] between IVR and automated call generator (ACG) units (test system) [Paragraph 0015-0017];

Sending coded signal to the ACG unit wherein coded signal indicates executed voice prompts to follow [Figures 4, 5 & 7] [executed Utterances: Paragraph 0020, 0030, 0031, 0033 & 0034].

Neary also teaches claimed determining and sending step i.e., determining which voice prompts sequence to be executed and sent with executed instructions (See instructions on Paragraph 0018]. Neary further teaches that at the voice response system, voice response system is operated and tested in Call Flow Verification mode (CFV mode) as claimed for evaluating the voice prompts in accordance with caller

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response. Neary does not explicitly disclose caller responses are voice command or DTMF input although Neary teaches that IVR is capable of processing both voice command and DTMF input [Paragraph 0002].

Newman discloses the automated test system capable of generating voice command in response to the voice prompts in testing the functionality of the IVR system. [Column 7, Line 25-30] [Column 8, Line 58-66] [See Figures]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify the Neary's verification method with Newman to support voice command input in responding voice prompts as claimed. One of ordinary skill in the art at the time of invention of made to do this to support testing for voice input capable IVR systems.

3.2 Claim 9 is the apparatus claim rejected for the same reasons as stated above in Claim 1 rejection because claimed steps executed by claimed means stated in Claim 9 are substantially closed to corresponding claimed steps of Claim 1. Therefore, at the time of invention of made, it is obvious to one of ordinary skill in the art that modified method teaches claimed means in order to process claimed steps accordingly.

3.3 Claim 17 is rejected for the same reasons as stated above in Claims 1 and 9 rejections because the claims steps substantially read on the corresponding steps of

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Claim 1. AT the time of invention of made, it is obvious to one of ordinary skill in the art that, the system comprises a machine readable storage storing a computer program with sequences instructions to execute the claimed steps. Furthermore, modified ACG unit and IVR systems are preprogrammed [Neary: Paragraph 0019], thus ACG unit and IVR system include the computer program as claimed to perform such claimed steps for testing the IVR system for call-flow verification.

3.4 Regarding Claims 2, 10 & 18, modified method and system discloses that execution instructions are comprised of one or more dual tone-multi-frequency signals [See Figures 6 & 9] [Paragraphs 0032 & 0051].

3.5 Regarding Claims 3, 11, 19, modified system receive voice prompts and send a voice command in response to voice prompts in which the sent voice command is apportion of voice prompt. [See Claims 1, 9 and 17 rejections].

3.6 In light of 112 rejection stated above, Claims 4, 12 & 20 are rejected for the same reason as stated above in Claims 3, 11& 19 rejections.

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3.7 Regarding Claim 21, modified system teaches comparing step for comparing actual voice prompts with correct voice prompts to enable verification of call-flow performance of IVR system [Neary: Paragraphs 0019-0021, 0036, 0037 & 0045; see figures] [Newman: Column 10, Line 25-45 & See figures].

3.8 Claims 6-8, 14-16 and 21-24 are rejected for the same reasons as claims rejections stated above because testing method in modified system is implemented as claimed in order to perform such testing [See Figures and rejections stated above].

4. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neary (US20020076008A1) in view of Newman et al. (US005940472A), further in view of Girardo (US 20020077819A1).

Regarding Claims 5 and 13, modified system teaches comparing step for comparing actual voice prompts with correct voice prompts to enable verification of call-flow performance of IVR system [Neary: Paragraphs 0019-0021, 0036, 0037 & 0045; see figures] [Newman: Column 10, Line 25-45 & See figures].

Modified system fails to teach claimed converting step. Girardo discloses claimed converting step for converting voice prompts into text using speech recognition system in processing performance testing of IVR system [Paragraph 0036 & see figures].

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the system as claimed in processing performance testing of IVR system as taught by Girardo. One of ordinary skill in the art at the time of invention of made to do this provide cost effective system with smaller storage database by storing text data instead of voice data.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Connor	US006477492B1
Coleman	US005933475A
Tsai et al.	US006504905B1
Howard et al.	US006587543B1
Michel et al.	US006724865B1
Mills et al.	US 20040032935A1

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aung T. Win  
Group Art Unit 2617  
June 8, 2006

  
**DUC NGUYEN**  
**PRIMARY EXAMINER**